(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) NO. 4964 of 2007

Petitioner Gopi Talkies Collectorate Road, Raigarh, Through Partner Shri Sagar Agrawal, Tah and District Raigarh (C.G.)

Versus

Respondents

1. The Employees' Provident Fund Organization, Ministry of Labour, Govt. of India) through the Regional Provident Fund Commissioner, Regional Office, Chhattisgarh, Indra Gandhi Business Complex, Raipur (C.G.)

2. The Assistant Provident Fund Commissioner & Authorized Officer, The Employees' Provident Fund Organization, Ministry of Labour, Govt. of India) Indra Gandhi Business Complex, Raipur (C.G.)

3. Recovery Officer, the Employees' Provident Fund Organization Ministry of Labour, Govt. of India) Regional Office, Chhattisgarh, Indra Gandhi Business Complex, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB : Hon'ble Mr. Satish K. Agnihotri, J.)

Present :- Shri Vinod Deshmukh, Advocate for the petitioner.

ORDER

(Passed on this 22nd day of August, 2007)

1. The petitioner was issued a show-cause notice on 23rd December, 2006 (Annexure P/1) under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, "the Act, 1952"). The petitioner admittedly did not file any response to the said notice. The Assistant Provident Fund Commissioner & Authorized Officer, Raipur has passed an order of recovery dated 25.4.2007 (Annexure P/2) to the tune of Rs.

584476/- on account of dues under Section 7A for the period 10/86 to 09/05.

2. There is a statutory provision of appeal under Section 7-I of the Act, 1952, whereunder the petitioner can prefer an appeal against the order passed by the Assistant Provident Fund Commissioner under Section 7A of the Act, 1952.

3. The petitioner, without taking recourse to alternative remedy of statutory appeal as enshrined under Section 7-I of the Act, 1952, has approached this Court under the writ jurisdiction. The statutory appeal provided under Section 7-I of the Act, 1952 is effective and efficacious.

4. Thus, this writ petition is dismissed on the ground that statutory appeal available to the petitioner has not been resorted to.

Sd/-
Satish K.Agnihotri
Judge

B/-